

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

WILBUR WALKER

PLAINTIFF

V.

CIVIL ACTION NO. 1:13-CV-00227-SA-DAS

TIFFANY SCALES AND
SAFEWAY INSURANCE COMPANY

DEFENDANTS

ORDER

Pursuant to a memorandum opinion issued this day, Plaintiff's Motion to Remand to State Court [4] and the parties' Joint Motion to Remand to State Court [7] are GRANTED IN PART AND DENIED IN PART. Federal subject matter jurisdiction pursuant to 28 U.S.C. § 1332 is present with regard to Plaintiff's claims against Defendant Safeway Insurance Company, and the Court shall retain jurisdiction over those claims. The amount in controversy existing at the time of removal exceeded \$75,000, exclusive of interest and costs, and Plaintiff's claims against Defendant Tiffany Scales were fraudulently misjoined and must be severed from Plaintiff's claims against Safeway. As Scales is a non-diverse defendant, Plaintiff's claims against her shall be REMANDED to the County Court of Lee County, Mississippi.

SO ORDERED on this, the 20th day of February, 2014.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE